

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

OCT 31 2007

October 12, 2007

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

ANTOINE GOMIS,

Petitioner - Appellant,

v.

CRAIG MEYERS; et al.,

Defendants - Appellees.

No. 07-16666

D.C. No. CV-06-03632-JW

**REFERRAL NOTICE**

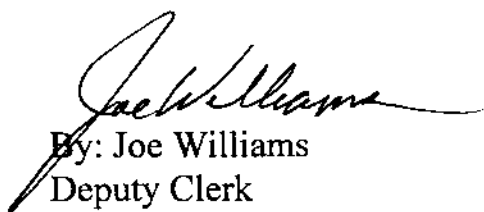
This matter is referred to the district court for the limited purpose of determining whether this appeal has been taken in good faith or is frivolous. *See* 28 USC Sec. 1915(a)(3).

If the district court is of the opinion that this appeal is frivolous or not taken in good faith, the district court is requested to complete the attached certification form and return it to this court within 21 days. If this court does not receive a completed certification form within 21 days, it will presume that the district court considers the appeal to have been taken in good faith.

This referral shall not affect the briefing schedule previously established by this court.

FOR THE COURT:

Cathy A. Catterson  
Clerk of Court

  
By: Joe Williams  
Deputy Clerk

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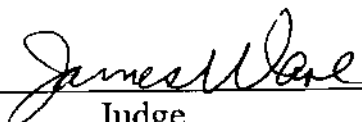
D.C. No. CV-06-03632-JW

**ORDER**

This appeal has been taken in good faith ☐

This appeal is not taken in good faith ☒

Explanation: Plaintiff failed to file an amended complaint  
in the time provided. Case was dismissed with prejudice  
for failure to prosecute pursuant to Federal Rule  
of Civil Procedure 41(b).

  
Judge  
United States District Court

Date: OCT 24 2007